



VIII CONSTITUTIONAL GOVERNMENT

Government Decree No. 3/2023

17th May

Creates the National Secretariat for Accession to the World Trade Organization

Timor-Leste began the accession process to the World Trade Organization (WTO) in 2015, and it has been an objective of the successive Constitutional Governments for the Country to enter as a full member of the Organization.

The process for the WTO Accession which is expected to be completed in early 2023, requires an enormous effort at all levels, material and human resources. In this sense, the accession of Timor-Leste to the WTO means a great opportunity and at the same time a great challenge, as Timor-Leste to be integrated in world trade organization through satisfying and fulfilling an important number of requirements, preparing itself to adapt national legislation to the set of agreements within the scope of the Organization.

Decree-Law No. 12/2019, of 14 June, on the Organic Law of the Ministry of Tourism, Trade and Industry, as amended by Decree-Law No. 66/2020, of 22 December, states, in Article 2, that the Ministry of Tourism, Trade and Industry is the government department with powers not only to design, implement and evaluate tourism, trade and industry policies, but also to contribute to boosting economic activity, including the promotion of economic growth. The Article 2 of the Ministry Organic Law states that the Ministry of Tourism, Commerce and Industry is the government department with competencies not only to design, implement and assess tourism, commerce and industry policies, and contribute to the dynamization of economic activity, including in terms of national and international competitiveness, but also to establish collaboration and cooperation mechanisms with national and international organisms whose action targets the Ministry's areas of action, namely with the Timor-Leste Chamber of Commerce and Industry (*CCI-TL*), the World Trade Organization, the World Tourism Organization and the Pacific Asia Tourism Organization.

In order to facilitate the accession process, the Interministerial Commission and Technical Working Group for Accession to the World Trade Organization were created at the highest level in 2020, by the Order of His Excellency the Prime Minister No. 009/PM/III/2020, amended by Order No. 077/PM/VI/2021, charged with providing the necessary support. In this context and considering the technical complexity of the preparatory work, it has been convenient to create a more complete structure that continues, in an organised way, to carry out the work and the necessary efforts for the

effective accession of East Timor to the WTO and for the adequacy and harmonisation of the national systems of administration and management - economy and trade - before the international agreements within the scope of the Organisation.

Thus, the National Secretariat for Accession to the World Trade Organisation that is being recommended herein aims to guarantee the efficiency and effectiveness of the technical team and the sustainability of the work until the effective accession of the country to the organisation and the harmonisation and adaptation of the national system of administration and management of the economy to the regulatory norms and standards of the organisation. The proposed structure, which will depend on the member of the Government responsible for the area of commerce and industry, will be headed by a General Coordinator, will include professionals specialised in the main areas within the scope of accession to the World Trade Organisation, namely in matters of international commerce of goods and services and intellectual property, and will also be composed of professionals in the areas of technical administrative and financial support, and of monitoring and evaluation.

Thus,

The Government decrees, under the provisions of paragraph 4 of Article 34 of Decree-Law No. 30/2020, of 29 July, to be valid as a regulation, the following:

Article 1

Object

1. This Government Decree Law establishes the National Secretariat for Accession to the World Trade Organization, hereinafter referred to as the Secretariat, as a specialized technical support structure for decision-making during the processes of accession to the World Trade Organization, and establishes its mission, duration, attributions, organization and functioning.
2. The Secretariat shall be under the responsibility of the member of the Government responsible for the area of trade and industry, who shall be in charge of:
 - a) Approving the annual procurement plan, human resources training plan and budget and quarterly, semi-annual and annual reports on the progress of the execution of the Secretariat's annual action plan;
 - b) Approve the proposal of the Secretariat's staff mapping;
 - c) Approve the proposed Annual Activity Report;
 - d) To request from the General Coordinator of the Secretariat any information on the activities and progress of the accession process;
 - e) To monitor the functioning and evaluate the quality of the services of the Secretariat;
 - f) To authorise the acquisition or disposal of real estate and furniture allocated to the Secretariat;
 - g) To carry out the other competencies that are legally incumbent upon the Secretariat.

Article 2

Nature

The Secretariat is established as a mission unit, enjoying limited administrative and financial autonomy in accordance with the law.

Article 3

Mission and Duration

1. The mission of the Secretariat is to advise and support policy-legislative interventions, coordination and implementation of strategies and actions and to provide technical assistance within the scope of the accession process of the Democratic Republic of Timor-Leste to the World Trade Organization.
2. The Secretariat shall cease its activity upon the definitive accession of the Democratic Republic of Timor-Leste as a full member of the World Trade Organization.

Article 4

Duties

The functions of the Secretariat shall be:

- a) To assist in the development of the process of accession to the WTO;
- b) To provide advice and contribute to the elaboration of policies and legislative proposals on the reforms in the country necessary to achieve compliance with the WTO agreements, without prejudice to the material attributes and tasks assigned to the competent ministries and public services by reason of the matter, as well as to the Inter-Ministerial Commission and the Technical Working Group for accession to the WTO;
- c) To provide technical and strategic advice to the mandate and/or the negotiating team on the process of accession to the WTO;
- d) To assist and provide the necessary logistical and technical support to the mandate or team in charge of negotiations with the WTO;
- e) To promote the elaboration of the necessary documents for the negotiations and to guarantee technical assistance in the analysis and preparation of documentation in the relevant sectors, namely agriculture and domestic support, customs administration, intellectual property, sanitary and phytosanitary and veterinary measures, technical barriers to trade, as required by the Working Group, as well as other technical documents related to the process of accession to the WTO;
- f) Develop research activities, studies and analysis on matters related to the WTO, as well as the issues that are raised and or required in the negotiation process;

- g) To collaborate and provide technical advice to the various relevant government departments involved in the WTO accession process and in the integration process in the Association of South East Asian Nations (ASEAN) and the Economic Partnership Agreements (EPAs) between the European Union and the Pacific Islands;
- h) To assist and collaborate with the government department responsible for coordination in the areas of foreign policy and international cooperation in carrying out its liaison work between the capital and the members and secretariat of the WTO;
- i) To support and promote the collaboration and participation of relevant public and private entities in the accession process;
- j) To make recommendations on any matters or decisions regarding accession to the WTO;
- k) Support and co-ordinate meetings of the Working Group with members and Secretariat of the WTO;
- l) Promote specific seminars on WTO accession, addressing key issues on the accession process, and others as necessary;
- m) To promote training opportunities, internship and capacity building of Timorese staff in trade related areas;
- n) To promote the development and implementation of post-accession plans and strategies to the World Trade Organization; and,
- o) Any other that may be indicated by superior guidance.

Article 5 Organization

1. The Secretariat shall be headed by a General Coordinator, recruited through a competitive procedure.
2. The Secretariat shall be comprised of professionals specialized in the main areas within the scope of accession to the World Trade Organization, namely in matters of international trade in goods and services, and intellectual property, as well as technical support professionals of administration and finance, and of monitoring and evaluation.
3. The Secretariat's professional staff provide specialist technical and administrative support, prepare and conduct studies and analyses, and promote the prosecution of the Secretariat's duties in the World Trade Organisation accession process.

4. The specialized professionals of the Secretariat may be personnel hired under the legal regime of fixed-term employment contracts in Public Administration, personnel hired under international cooperation agreements or by civil servants transferred or seconded by any of the modalities admitted by law.
5. The Government member responsible for the area of commerce and industry shall appoint coordinators for each area from among the specialized professionals hired or civil servants transferred to the Secretariat, upon the proposal of the General Coordinator.
6. Whenever necessary, external consultants and consulting companies specialized in matters related to the process of accession and post-accession to the World Trade Organization may be hired.
7. The internal organization of the Secretariat shall follow the hierarchical model.

Article 6

General Coordinator

1. The General Coordinator shall perform his functions on an exclusive full-time basis.
2. Without prejudice to the competences delegated or sub-delegated to him/her, it shall be the duty of the General Coordinator to direct, represent, coordinate and guide the action of the Secretariat.
3. It shall be incumbent upon the General Coordinator, in particular, within the scope of the Secretariat's activity:
 - a. To promote the execution of the activities of the Secretariat and the measures that are determined by the Government member responsible for the area of trade and industry;
 - b. To submit for the consideration of the Government member responsible for the area of trade and industry the reports produced by the Secretariat as well as the respective annual plans and reports of activities;
 - c. To periodically inform the member of the Government responsible for trade and industry on the process of accession to the World Trade Organization and its evolution;
 - d. To propose to the member of the Government responsible for trade and industry the actions necessary for the implementation of the strategies and recommendations for the conclusion of the process of accession to the World Trade Organization;
 - e. To direct, coordinate and guide the services of the Secretariat and to issue orders and instructions whose execution is necessary for its good functioning;
 - f. To direct the meetings of the Secretariat;
 - g. To represent the Secretariat before public and private entities, both national and foreign;

- h. To exercise powers of direction, management and discipline of the staff, in accordance with the law and without prejudice to the competencies of the Civil Service Commission;
- i. To promote and coordinate transparent and fair recruitment processes for staff subject to fixed-term employment contracts, based on merit and professional competence and gender equality;
- j. To exercise any other competencies indicated or delegated to it by higher authority.

Article 7 **Specialised professionals**

1. For the purposes of the present statute, specialized professionals and experts are those who have technical competence, professional aptitude and experience and who have adequate training to carry out the tasks assigned to them.
2. The Secretariat shall comprise, at least, specialized professionals and/or experts in the areas of:
 - a) Negotiations on trade in goods and services;
 - b) Law;
 - c) Foreign cooperation policy;
 - d) Economic policy;
 - e) Agricultural policy and fisheries;
 - f) Environment;
 - g) International trade and its facets, including intellectual property;
 - h) Information, telecommunications and technology;
 - i) Fiscal and financial policy; and
 - j) Human resources and administration.
3. They may include professionals from other areas that may be relevant within the World Trade Organization accession process.

Article 8 **Incompatibilities and Impediments**

1. The staff of the Secretariat shall not, in the exercise of their functions, provide, directly or indirectly, advice to private entities, which might place them in a conflict of interest or weaken their impartiality in defending the public interest.
2. Failure to comply with the provisions of the preceding paragraph shall constitute grounds for termination of the employment relationship.

Article 9
Remuneration

1. The remuneration system applicable to the General Coordinator and the staff of the Secretariat is set out in the Appendix to the present statute, which is an integral part of it.
2. The remuneration of civil servants seconded or transferred under the terms of the law shall follow the provisions laid down in the legal regime applicable to civil servants.

Article 10
Collaboration and coordination with Public Administration services and entities

1. The Secretariat shall ensure the necessary procedures for the fulfilment of its tasks within the scope of the entire process of accession to the World Trade Organisation, in coordination and collaboration with the various services and entities of the Public Administration involved.
2. The Secretariat shall identify the elements, data and information the reporting of which it considers necessary for the pursuit of its mission, requesting such elements, data and information from the competent services and entities of the Public Administration.
3. The services and entities of the Public Administration shall provide full support to the Secretariat and make available any and all information requested by the Secretariat in connection with accession to the World Trade Organization.

Article 11
Transition

The staff of the Support Unit for the World Trade Organization and the Association of Southeast Asian Nations of the Coordinating-Minister for Economic Affairs, which is abolished, shall be transferred to the National Secretariat for Accession to the World Trade Organization without any further formalities.

Article 12
Entry into force

This decree-law shall enter into force on the day following its publication.

Approved by the Council of Ministers on April 27, 2023

To be published.

The Prime Minister
Taur Matan Ruak

The Minister of Tourism, Commerce and Industry
José Lucas do Carmo da Silva